IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 19566 of 2003

Between:

1 P.V. Ramana, S/o. Pullaiah,
2 A. Srinivasa Rao, S/o. A.P. Ramachandra Rao,
3 K.N.. Mohan Rao, S/o. K. Siaramaiah,
4 M. Bharadwaja, S/o. Venkatacharlu,
5 N. Dhananjaya, S/o. Lakshamana Rao,
6 P. Rama Krishnudu, S/o. P. Nadipisubbarayudu,
7 R.C. Linga Swamy, S/o. R. Pullanna,
(All are R/o. Pamulapadu, Kurnool District).

..... PETITIONERS

AND

1 The Govt. of A.P., Co.op., Department, rep. by its Secretary Hyderabad.
2 The Commissioner for Cooperation and Registrar of Co-operative Societies, Hyderabad.
3 The District Co-operation Officer, Kurnool, Kurnool District
4 Rayalaseema Grameena Bank, rep. by Chairman, Cuddapah.
5 Rayalaseema Farmers Service Co-operative Society, Pamulapadu, Kurnool Dist., rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners as illegal, arbitrary and violative of Article 14 and 21 of the constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec. 116-C of the Act.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent Nos. 1 to 3:GP FOR COOPERATION

Counsel for the Respondent Nos. 4 : MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.5: None appeared.

The Court made the following :

:ORAL ORDER:

The petitioners are employees of the 5th respondent – Co-operative Society. It is neither pleaded, established nor demonstrated that the 5th respondent is either a State within the meaning of Article 12 of the Constitution of India or an administrative arrangement under the 4th respondent-Grameena Bank. It is also not established that the liability of the salaries of the petitioner is a charge on the Government of Andhra Pradesh or any of its departments. The 5th respondent-Co-operative Society has passed a resolution dated 13-08-2003 that as there is only an amount of Rs. 10,886-00 available for payment of salaries to its staff, in view of provisions of Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act'), the salaries of its staff should be paid from this amount only. The petitioners do not establish that the 5th respondent-Co-operative Society has a better financial position than that set out in its resolution dated 13-08-2003. In the above circumstances, neither is this writ petition maintainable nor could any relief be granted to the petitioner herein.

The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue such alternative remedies as are available at law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Govt. of A.P., Co.op., Department, Hyderabad.
2 The Commissioner for Cooperation and Registrar of Co-operative Societies, Hyderabad.
3 The District Co-operation Officer, Kurnool, Kurnool District
4 The Chairman, the Rayalaseema Grameena Bank, Cuddapah.
5 The Managing Director, Rayalaseema Farmers Service Co-operative Society, Pamulapadu, Kurnool Dist.

6.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

7.2CD copies

Form-NIC-OGS/WP{ }